

The Los Angeles Bar Association

BULLETIN

Issued by the Los Angeles Bar Association, Los Angeles, California

FEBRUARY 18, 1937
10c a Copy



VOLUME 12, No. 7
\$1 Per Year

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PRE-TRIAL IN SUPERIOR COURT.

Printed by PARKER, STONE & BAIRD CO.

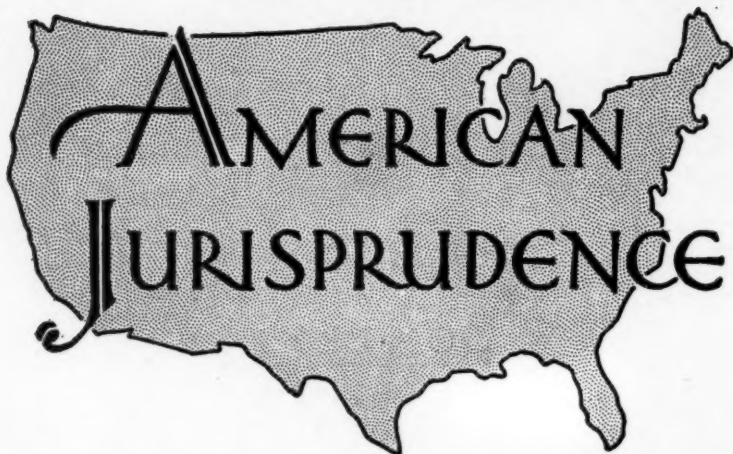
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ROCHESTER, NEW YORK

BANCROFT-WHITNEY COMPANY
SAN FRANCISCO, CALIFORNIA

COST OF ESTABLISHING AND MAINTAINING BRANCHES OF THE SUPERIOR COURT

REPORT OF BAR COMMITTEE URGES SURVEY OF ALL COURTS OF COUNTY AND THEIR PERSONNEL

IN March, 1936, the Board of Trustees of the Los Angeles Bar Association appointed a special committee on Branches of the Superior Court of Los Angeles County, and authorized it to ascertain the original cost incurred in establishing the several departments in outlying cities, the number of cases handled by each branch, cost of maintenance, extent of their usefulness, and factors indicating the necessity or lack of necessity therefor.

The committee, consisting of Messrs. Joseph Brady, Herman Selvin and Henry O. Wheeler, chairman, has just made its report, which the Board has adopted, submitting facts and figures and making recommendations that are likely to create widespread interest and much controversy throughout the county. It recommends, among other things, that the Bar Association sponsor a "thorough survey and investigation of all the courts in Los Angeles county and the personnel thereof," such survey to be made, if possible, by a foundation or institution of unquestioned standing; the institution chosen to be one situated outside the State so as to avoid local bias, prejudice or political influence.

The survey, it is recommended, should include an investigation of the efficiency of all courts in Los Angeles County, the various departments and the personnel thereof; the method of appointing, nominating and electing judges of both the Superior and Municipal courts; the present method of appointing, nominating and electing Judges of the District Court of Appeal; the necessity or lack of necessity of Branch Courts; the present efficiency of the branches of the Superior Court now in existence, and the matter of establishing further branches; the Judicial Council, its set-up, functions and operation; the necessity or lack of necessity, and the advisability of appointing judges from other jurisdictions to sit in Los Angeles County, and of appointing Municipal Judges.

POWERS OF PRESIDING JUDGE

The proposed survey should include, the report says, an investigation of the powers, duties and functions of the Presiding Judge of Superior Court and the necessity or lack of necessity, and the advisability, of giving to the Presiding Judge increased authority and disciplinary powers over other departments and the judges thereof.

Pending the survey, the report recommends that no further branch courts be established, and that the Legislative Committee of the Bar Association be instructed to oppose any attempt, through legislative action, to establish additional branches of the Superior Court. The report urges the Board of Trustees to request the cooperation of all other Bar Associations and Lawyers' clubs in Los Angeles County, and of the State Bar of California, in furthering the investigation and survey, and that the Board "do everything in its power to bring about a survey as soon as possible."

SEEKS OUTSIDE DATA

In carrying on its investigations the Committee report says, it "communicated with the American Bar Association and the Judicial Councils of the various states having such councils, asking for any data with respect to the matters under investigation. A letter from the American Bar Association stated that that Association has no statistical department, and our Committee was referred to the National Conference of Judicial Councils. However, after communicating with the latter organization and the Judicial Councils of the various states, it became apparent that we could get no help from those sources, inasmuch

Los Angeles Bar Association Bulletin

Official Monthly Publication of Los Angeles Bar Association. Entered as second-class matter August 8, 1930, at the Postoffice at Los Angeles, California, under Act of March 3, 1879.

VOL. 12

FEBRUARY 18, 1937

No. 7

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SUPREME COURT CHANGE OPPOSED IN BAR TRUSTEES RESOLUTION

WHEREAS, this Board of Trustees has in two separate meetings considered and discussed pending legislation with reference to the Federal judiciary system; and

WHEREAS, in said proposed legislation there have been blended certain salutary remedies with other changes, the wisdom of which may be open to certain doubt; and

WHEREAS, it has been fundamental in the American system of Government that the judiciary shall be completely free of domination by or restraint from either the legislative or executive departments, and such independence is absolutely essential to the continued existence of our tri-partite form of Government; and

WHEREAS, it is imperative that said legislation be defeated as a whole rather than that the judiciary be subjected to the possible loss of its independence or to domination or restraint by other departments of the Government:

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Los Angeles Bar Association that we are unalterably opposed to any legislative attempt to destroy, or any legislation which would vest in the Executive department of the Government the power to destroy the independence of the judiciary or render the Federal Courts subservient to the will of either of the other departments of the Government, or the power to abolish in effect the coordinate system of Government that has made the United States a symbol of personal freedom, and, therefore, we oppose that portion of said proposed legislation which would result in the increase of the number of members of the Supreme Court as now constituted and we call upon all patriotic citizens who respect the fundamentals of our existing institutions to join in resistance of all attempted destruction of a free and independent judiciary; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to United States Senators for the State of California, and to each of the Representatives from the State of California; and

BE IT FURTHER RESOLVED, that the President of this Association appoint a committee of not less than three nor more than five members of the Association for the purpose of enlisting the active opposition of the members of this Association and of the public in general to the aforesaid proposed legislation.

Adopted February 12, 1937.

as, so far as we can learn, branches of the Superior Courts of the type we have in Los Angeles do not exist in other jurisdictions. We find that this is a local problem, and our conclusions are therefore based upon data gathered locally." Inquiry of the California Taxpayers' Association likewise brought word that it had no statistical data on the subject.

ORIGINAL COST OF ESTABLISHING BRANCH COURTS

The report continues:

Attached hereto is a letter from H. A. Payne, County Auditor of Los Angeles County, giving a statement of the original cost of establishing the branches of the Superior Courts in Long Beach, Pasadena, Pomona and Santa Monica, as follows:

"Amount of Equipment located in the following Superior Courts:	
Long Beach—Dept. "A"	\$ 6,009.88
" —Dept. "B"	6,563.89
" —Dept. "C"	4,858.64
" —Dept. "D"	6,441.92
Reporters 705 Jergins Bldg	284.32
" 912 "	424.07
Total	\$24,582.72
Pasadena	\$ 696.13
Pomona	3,061.28
Santa Monica	10,189.60
Total	\$38,529.73"

COST OF MAINTENANCE OF BRANCHES

Attached to Mr. Payne's letter is a letter addressed to him from the Bureau of Efficiency under date of April 9, 1936, giving the following data as to the cost of maintenance of the branches of the Court, as follows:

"POMONA

SUPERIOR COURT AND LAW LIBRARY

(Sheriff's Civil Division uses one small room.)

Located on the first floor, First National Bank Building.

Total net area, 3,775 sq. feet.

Rental, \$503.1/3rd per month, or \$6,040 per year, including utilities and janitor.

Lease (453-E) expires August 31, 1938, with no cancellation clause.

PASADENA

SUPERIOR COURT

City of Pasadena, Hall of Justice.

Total net area, 1,772 sq. feet.

Rental, \$325.00 per month, or \$3,900.00 per year, including utilities and janitor.

Rental on a month to month basis.

LAW LIBRARY

234 East Colorado Street.

Total net area, 1,390 sq. feet.

Rental, \$45.00 per month or \$540.00 per year, including utilities and janitor.

Lease (432-E) has just expired.

SANTA MONICA

SUPERIOR COURT

Bay Cities Building, 225 Santa Monica Boulevard.

Total net area, 1,800 sq. feet.

Rental, \$200.00 per month or \$2,400.00 per year, including utilities and janitor service.

Lease (449-F) expires December 14, 1940.

Provisional cancellation clause if Court in Santa Monica is discontinued.

LONG BEACH

County Offices located in Jergens Trust Building, 7th, 8th and 9th floors.

The 9th floor is occupied by the Superior Court and related activities, as follows:

4 Court Rooms, total net area	5,307 sq. ft.
Judge's chambers, jury rooms, reporters' rooms, prisoners' tank, etc., net area	3,207 sq. ft.
Law Library, net area	1,497 sq. ft.
County Clerk, net area	1,590 sq. ft.
Total	11,601 sq. ft.
The gross rentable area of the 9th floor is	15,611 sq. ft.
The net rentable area is as listed	11,601 sq. ft.

The County occupies quarters in the Jergens Trust Building under a lease which calls for a rental of \$1.50 per square foot of gross rental area.

This is equivalent to approximately \$2.06 per square foot of net rental area. In other words, the county pays approximately \$23,416.00 per year as rental for the ninth floor of the Jergens Trust Building. This rental includes utilities and janitor service."

As to the cost of maintaining the departments of the Superior Court of Los Angeles, the letter from H. A. Payne, County Auditor, states:

"I regret very much that it is impossible for me to furnish you figures on the cost of maintaining the departments of the Superior Court in Los Angeles, inasmuch as the janitor service and other utilities are not segregated on our records."

MAINTENANCE OF BRANCH COUNTY CLERK'S OFFICES

The letter from L. E. Lampton, County Clerk, under date of August 24, 1936, which is attached hereto, gives detailed information with reference to the added costs in the County Clerk's department due to the branches, which the County Clerk states "have been computed as approximately correct as possible." Reference is made to the County Clerk's letter of August 24, 1936, for details, but we quote the following summary:

"OUTLAY EXPENSE

Outlay consists of furniture and furnishings and office equipment, which have been listed from the inventory sheets and the original cost of same ascertained from our requisition records, as follows:

Long Beach	\$4525.
Pasadena	2565.
Pomona	370.
Santa Monica	40.
	\$7500

Naturally, the principal part of Outlay expense was incurred at the time the branches were originally furnished. As to Santa Monica, the cost of its future furnishing as a regular branch may not even be estimated. The principal continuing Outlay is the yearly addition of steel filing cases in which to keep the duplicate files. This expense amounts to \$348. yearly.

SUMMARY OF ANNUAL EXPENSE OF BRANCH OFFICES

SALARIES	\$13,200.
MAINTENANCE & OPERATION.....	2,665.

Segregated as follows:

Record Books, Papers, Forms, Covers, Writing Supplies, and other Office Supplies.....	\$1323.
Postage	542.
Transportation	325.
Auto Mileage	425.
Cartage	25.
Repairs and Maintenance	25.

OUTLAY	348.
Filing cases.	

Total Annual Expense.....	\$16,213.
To which must be added the cost of original equipment as given above.....	7,500.
Grand Total	\$23,713."

The County Clerk has this to say with reference to branch office expense and salary expense:

"Taking the month of last June as a basis, the combined salary expense of the office deputies at the three branches of Long Beach, Pasadena, and Pomona, was a trifle less than 3 per cent of the total departmental salary expense for that month. It would be more except for the fortunate arrangement with the Law Librarian to use his Pomona assistant as a half-time Deputy County Clerk in charge of our branch at that place. This percentage includes the Senior Clerk classification, effective July 1st, of the messenger who is acting as the Master Calendar and Jury Clerk at Long Beach, increasing his salary from that of messenger and transferring from Court to County Clerk supervision and payroll.

(Continued on page 199)

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JUNIORS ELECT NEW OFFICERS



JAMES C. INGEBRETSEN

CHOSEN to succeed Ned Marr, who has so ably guided the destinies of the Junior Bar-risters the past year, James C. Ingebretsen last week took over his duties as chairman of the organization for the ensuing twelve months.

Ingebretsen, who has been active in junior bar work for nearly four years, was elected at the annual meeting held February 18. His opponent, who ran a close second, was Hallack W. Hoag.

The new chairman is an alumnus of Stanford University law school and is now in private practice with Former Justice John Preston of the California Supreme Court. For two years he served here as general counsel for the state building and loan commissioner.

Chairman Ingebretsen indicated he would carry on the series of breakfast meetings inaugurated by Chairman Marr during recent months.

The morning meetings, at which leaders of the bar have spoken on pertinent subjects in connection with law, have met with much favor among the younger group and have proved to be a highly successful innovation.

The election meeting was attended by nearly 200 junior bar members, one of the largest election meetings in the history of the organization.

For the office of first vice-chairman, Shirley Ward was elected by unanimous vote, while Lawrence "Buddy" Drumm was chosen second vice-chairman without opposition. Joseph W. McFarland was elected secretary-treasurer in a contest with H. L. Rose.

Upon turning over the gavel to Ingebretsen, Ned Marr was presented with a gift of an electric clock, the presentation being made by E. Avery Crary in behalf of the organization.

Arrangements for the election meeting were made by a committee headed by S. Earl Wright. Rex Hardy and Walter Dunn of the senior bar attended as guests of honor.

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LEGAL AID AND THE LAWYER

By Jack W. Hardy, Chairman of Committee on Legal Aid

In accordance with the plan of the Legal Aid Committee, the Association has sent a questionnaire to its members, in order to afford them an opportunity to contribute money or services for legal aid to worthy indigents unable to pay legal fees. Mr. Hardy's article sets forth the responsibilities of the legal profession to support the work.

SINCE the days of the Magna Carta, which declared (cap. 40) that, "to no one, will we sell, to no one will we refuse or delay, right or justice," the legal profession has been charged with the responsibility of aiding those in need of legal counsel and representation. The canons of the American Bar Association and Sec. 282, (subd. 8) of the California Code of Civil Procedure, impose on every attorney the obligation "never to reject, for any consideration personal to himself, the cause of the defenseless or the oppressed."

Society must always care for its less fortunate members, and to the legal profession falls its share of the responsibility for those in need of legal aid who are unable to pay adequate fees for such services. The needs of this group are just as real, and more pressing, than those of their more fortunate brothers. The medical profession long has carried more than its share of the burden and makes generous contributions of medical skill to those in need of, but unable to pay for, medical aid. The legal profession as a whole has lagged far behind in rendering its services to this same less fortunate group. While it is true that many attorneys have represented and assisted clients unable to pay an adequate fee, and without expectancy of one, yet, by and large, the legal profession has been remiss in the discharge of its obligations to the indigent members of society.

In order to meet this pressing need and to carry on the work which has been so generally neglected, legal-aid organizations have been established in many communities and have rendered a noble service. However, lack of funds and personnel have seriously handicapped their work, with the result that they have been unable to meet the great need and demand for legal aid. This responsibility must be met by the legal profession itself. Particularly is this true in Los Angeles County, where our large population contains many unfortunates who are wholly or partially dependent upon this community for their sustenance and care.

CLEARING HOUSE

In smaller communities legal-aid needs may be met by individual lawyers or a small committee of the local Bar. However, as the size of the community increases, the problem becomes proportionately more complex, and the need for organized legal-aid becomes evident. To meet this situation efficiently, a central legal-aid organization and clearing house must be established and maintained, with adequate facilities for receiving clients, investigating their problems and

personal backgrounds, eliminating the unworthy and the "chiselers," and affording the needy and deserving adequate legal counsel and help.

In recognition of these factors, the Southern California Legal Aid Clinic Association was organized in 1929, by a small group of lawyers and civic-minded persons. Since its inception, this association has been endeavoring to cope with the ever-increasing task of providing sorely needed legal advice and assistance to the worthy indigents unable to pay any legal fee. Similar legal aid organizations, now more than eighty in number, exist in practically every large city in the United States. Most of them owe their inception, establishment and maintenance to the generosity, foresight and untiring endeavor of a comparatively few public-minded citizens. In many cases, their administrative expenses are borne in whole or in part by the local community chests. Practically all of these legal aid organizations face the same problem: that of fulfilling adequately the needs and demands of an ever-increasing clientele. They have shouldered a responsibility which should rest upon the members of the Bar as a whole. If their work is to be performed satisfactorily and they are to carry out for the Bar the major part of the responsibility for legal aid, they need and deserve the support and encouragement of every lawyer in this community.

PROFESSIONAL RESPONSIBILITY

Support of legal aid is not solely the performance of a professional responsibility. It is an investment in public good-will which inevitably redounds to the benefit of the entire profession. Many of the applicants who come to a legal aid organization already have applied to private lawyers for relief or assistance, and have been unable to obtain legal services because of their inability to pay an adequate fee. They have been shunted from one lawyer to another, receiving a succession of rejections; their confidence in the legal profession and in its aims and ideals has, perhaps, been rudely shattered. To legal aid organizations falls the task of restoring this confidence and reassuring these clients that they, as well as any other citizen, are entitled to legal services to assist them in obtaining right and justice. The extent to which legal-aid organizations have restored this confidence is attested by the countless letters of appreciation and gratitude received by them from clients whom they have assisted. These letters—many of them halting and illiterate—are all sincere and convincing testimonials of the value of legal-aid as a means of elevating public respect for the legal profession as a whole.

The large volume of work handled by legal-aid organizations places them in an excellent position to observe and recommend needed changes in existing legislation which seriously affect the rights of the poor person. While the individual lawyer may encounter these difficulties occasionally, legal-aid organizations encounter them daily, and in many instances they have initiated and sponsored remedial legislation of this type; and from the wealth of their experience these organizations have been able to support such measures before the Legislature with convincing illustrations based on actual cases.

In an effort to assist every member of the Los Angeles Bar Association in discharging his professional obligation to render legal aid and make his contribution to that worthy cause in the most efficient and convenient manner, the Board of Trustees of the Los Angeles Bar Association has adopted the plan submitted by your Legal-aid Committee which is set forth in full on page 298 of the July 16th, 1936, issue of the LOS ANGELES BAR ASSOCIATION BULLETIN.

TIME OR MONEY

In brief, the plan recognizes that for many attorneys a direct contribution of time to legal-aid work would be costly and an unjust hardship, while others are so situated that they can contribute time directly to legal-aid, either through a legal-aid organization, or in their own offices. To meet both these situations, the plan provides that those who can may make a direct contribution of time to legal-aid by handling, in their own offices, proper cases sent to them from a centralized legal-aid clearing house which previously has investigated the need of the client, the merits of his case and the client's financial inability to pay a fee. For those who can do so, arrangements will be made for their handling of similar cases at the legal-aid office itself. Those who feel that a direct contribution of time would be expensive and impractical may, in lieu thereof, make a direct financial contribution to a special "Legal-Aid Fund" of the Los Angeles Bar Association. The monies so received will be devoted solely to the direct employment, at minimum salary, of a competent attorney or attorneys, who will devote all or part of their time to legal-aid work on behalf of the entire Association through organized and existing legal-aid agencies. This fund will be directly administered by your association, and used for no purpose other than the rendering of legal aid to the worthy indigents for and on behalf of the members of the Los Angeles Bar Association by the attorney or attorneys employed as above provided. It is felt that by this comprehensive plan all attorneys will be given an opportunity to carry their fair share of this responsibility for legal aid, either by direct contribution of time, or, in lieu thereof, by a contribution of money to the special "Legal-Aid Fund" to be used for the purposes herein stated.

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SOME TEMPTATIONS OF A JUDGE

THE fundamental reason for the establishment of government is to protect and enforce human rights. In this process, the court is the last resort. It pronounces the final word in the department of social control, and it possesses the power to make that word effective by suitable writs. Courts of the most limited jurisdiction are still parts of the judicial system, and have commerce with the highest of human concerns, justice. Therefore the judge should never suffer from an inferiority complex.

But like all professional men, he is sometimes tempted to indolence. He may appear to be busy, when he is merely puttering with trifles. He is in danger of spending more time over the daily papers than is justified, making telephone calls that are nothing but social converse, yielding to meaningless interruptions, and otherwise wasting his precious time. And all the while, there are the findings or the bill of exceptions, or the motion for a new trial, vociferously demanding attention. The thing that waits to be done, in the line of his day's work, that should receive prompt and vigorous attention.

There are times when the judge is tempted to encroach on court time with work that should find place in the other hours of the day. Time on the bench is limited to five hours, in order to allow for work in chambers, by both judges and attorneys. Cases under submission; and the numerous details of the judge's work, settling findings, bills of exceptions, etc., should be taken care of without at any time encroaching on the five hours allotted to hearing causes; there are still nineteen hours left, and that ought to suffice.

RECORD FOR DILIGENCE

In the actual hearing of causes, the judge is sometimes tempted to yield to the dilatory tactics of counsel, instead of courteously suggesting expedition. The conduct of attorneys may be inadvertent; they branch into matters collateral and immaterial unconsciously, and will welcome the judge's admonition; but whether they do or not, the judge has a duty in the premises, and he should not shrink. Haste, to be sure, is always wrong and undignified; but so likewise is dilatoriness. Quietly, deliberately, steadfastly, the judge should pass performance. Competent trial lawyers will do this themselves; their time is too valuable to waste any of it.

Want of skill in cross-examination often impedes, and here the judge is all but helpless. There is much entirely "proper" cross-examination that is entirely futile and even harmful; it only strengthens the adversary's cause. But the judge does not know what the cross-examiner has in the back of his head, just what he is driving at, and so hesitates to interfere.

With the elective system, the judge is tempted to devote a large share of his time constantly to electioneering; from the moment of election or of appointment, he looks forward to the next election, and engages busily in building and repairing his fences, instead of "living like a hermit and working like a horse." He is found in social gatherings, in clubs, fraternities and churches, when he knows and every thoughtful voter knows he ought to be in his chambers or his library. He should of course be a man among men; he should assume and bear cheerfully his share of the burden of social or civic responsibility; but he comes dangerously near violating his oath of office when he devotes the major part of his leisure time to "window dressing" for the next campaign, instead of studying diligently.

—F. G. T.

SUPERIOR COURT PRE-TRIAL PLAN

WITH the Los Angeles County Superior Court about to inaugurate the "pre-trial" plan, the experience of the system in Boston is somewhat of timely interest.

In an article in the Bar Bulletin of the Boston Bar Association, Judge Louis S. Cox, the jurist, pointed out that the plan met with considerable favor among members of the Massachusetts bar who have had occasion to see it in operation.

Following the success of the plan in Boston, it was tried out also at Lawrence, in Essex county, Mass., with favorable results, Judge Cox' article pointed out.

"Every effort should be made to keep cases from the actual trial calendar in which there is a reasonable hope of settlement," Judge Cox stated. "Otherwise, that calendar loses the stability which is of especial appeal to trial counsel and of tremendous advantage as a time and money saver to parties and their witnesses, to say nothing of the opportunity which it affords the Court of having a steady and practically uninterrupted volume of work."

The results of the seven weeks' experience in Lawrence and of one year's experience with pre-trial in Suffolk, set out below, seem to show that counsel and litigants are generally disposed to settle when the door to settlement is opened in the pre-trial session.

WORK OF THE PRE-TRIAL SESSION OF THE SUPERIOR COURT IN SUFFOLK COUNTY AUGUST 25, 1935 TO JULY 1, 1936

No. cases called to pre-trial session.....	4,637	
Disposition in pre-trial session:		
Non-suits and defaults.....	582	
Continuances	427	1,009
Active jury cases remaining.....	3,628	
Cases in which jury waivers were obtained, and sent to "A" Session.....	182	
Disposition of the remaining.....	3,446	
Settled in pre-trial session.....	2,066	
Settled after pre-trial.....	512	2,578
No jury cases tried in Suffolk during year ending June 30, 1936.....	868	
		3,446

A BETTER BULLETIN

TO produce a better BULLETIN is the constant aim of your BULLETIN Committee. But to achieve this ambition it is necessary to have the cooperation of the members of the Association.

THE BULLETIN can be made to render a still greater service to members in particular and to the Bar in general, if a larger number of the profession in Los Angeles County will give active assistance to that end.

While we endeavor to report the activities of the Association, its Trustees and Committees, as well as the work of the American Bar Association, we need more than that; we want to publish at least one technical article each month, dealing with matters of practice and substantive law which will not only be of interest but of actual assistance to members of the Bar. Such contributions will not only benefit the readers but give greater permanent value to our publication.

THE BULLETIN stands high among recognized legal publications. Its articles are regularly indexed by *Current Legal Thought*, and therefore its influence is not confined to the Association's membership. Take this opportunity to render a service to the profession by sending in an occasional article for publication. Many of our articles have received wide reading because they have been reprinted by other legal publications.

We would like news of the activities of affiliated Bar Association in the county for each issue. Such material should reach the Committee not later than the 10th day of the month. THE BULLETIN Committee asks your cooperation.

UNAUTHORIZED PRACTICE NEWS

LOUISIANA: The Louisiana Court of Appeal has denied the petition for rehearing in *Meunier v. Brenich*, reported in the December, 1936, Unauthorized Practice News, and counsel for plaintiff have given notice of their intention to apply for writs to the Supreme Court.

In the meanwhile, Attorney General Carmichael of Alabama, has rendered an extremely interesting, comprehensive and constructive opinion upon the law of Alabama in respect to the subject. The syllabus of the Attorney General's opinion says:

"A person not a regularly licensed attorney cannot become entitled as a matter of right to engage in the business of enforcing, settling, adjusting or compromising claims based upon contracts or policies of insurance between persons with neither of whom he is in privity, in the relation of employer and employee, in the usual sense, by virtue merely of taking out and paying for a license under General Acts, 1935, page 442, Schedule 5."

NEW YORK: The Justices of the Appellate Division of the Supreme Court of New York in and for the First Judicial Department, on December 14, 1936, adopted the following rule:

"No attorney shall advise inquirers or render an opinion to them through or in connection with a publicity medium of any kind in respect to their specific legal problems, whether or not such attorney shall be compensated for his services. Any attorney who violates this rule shall be deemed to be guilty of professional misconduct within the meaning of subdivision 2 of section 88 of the Judiciary Law."

(Continued from page 190)

The later expected added expense of a full time deputy at Santa Monica will increase the total branch office salary expense to three and one-third per cent of the whole. This percentage of our June salary payroll would be \$1100. or \$13,200. as an approximate annual charge against the branches.

This entire expense would be avoided if there were no branch offices. We are inclined to believe that this statement would still hold true with added branches and resulting added expense, for the following reason: We believe that all of the office work performed in the branches could be absorbed and handled by the main office with no additions to the present main office force. In this suggestion we do not include the court room deputies, the Court Clerks, for the reason that wherever a court may be located a Court Clerk is necessary—one for each department. The work of the branch offices is not large in quantity but varied in character. If performed at the main office it would be so divided between the many main office divisions and subdivisions that no particular fractional part of the office would feel the slight additional burden placed upon it. The total marriage licenses issued at the branches shows a larger percentage of the grand total than any other operation,—18 per cent in June, for instance,—but considering the fact that all licenses applied for are prepared at the main office and merely delivered at the branches it is still felt that the main office could absorb even that activity with its present force."

NUMBER OF CASES HANDLED BY EACH BRANCH

The resolution of your Board asked specifically for the "number of cases handled by each branch." Your committee gathered data on this subject from various sources, but received a letter under date of January 6, 1937, from Clyde Doyle, Esq., Chairman of the Long Beach Bar Association Committee on Branch Court Study, containing a supplementary exhibit furnished to his committee by V. L. Wallage, Chief Clerk of the Long Beach Division of the County Clerk's Office. This is in such concise form that your committee requested County Clerk L. E. Lampton to furnish us with similar data in the same concise form about the other branches and the Los Angeles departments.

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CASES HANDLED BY LONG BEACH DEPARTMENT

The report of business of the Long Beach Branch for the year 1936 as furnished to Mr. Doyle by Mr. Wallage, Chief Clerk, and the reports from the latter under date of January 4, 1937, is as follows:

"1936
FEES paid into office.....\$29,039.79

Cases filed

CIVIL	634
DIVORCE	1376
PROBATE	773

Total	2783
-------	------

MARRIAGE LICENSES

Applied for	Issued	Voided
2866	2746	87

INTERMEDIATE PROBATE hearings set in Dept. L. B. B. on Monday of each week (Uncontested)3,560

INTERMEDIATE civil and divorce (demurrers, orders to show cause, etc.) set for hearing in Dept. L. B. C. on Monday of each week.....1,570

INTERMEDIATE criminal hearings (pleas, probation and sentence, arraignments, etc.) set in Dept. L. B. A.....1,392

DEFAULT DIVORCE, set for hearing.....1,049

CONTESTED CASES tried in LONG BEACH

CIVIL	PROBATE	DIVORCE	CRIMINAL
368	22	75	91

Total contested cases tried.....	556
----------------------------------	-----

PERCENTAGE OF ALL LOS ANGELES COUNTY FILINGS HANDLED AT LONG BEACH

CIVIL	1/22
DIVORCE	1/9
PROBATE	1/11
Marriage L.	1/9"

The report of business of the Pasadena, Pomona and Santa Monica Branches and the Los Angeles Departments of the Superior Court as furnished us by County Clerk Lampton for the year 1936, is as follows:

NUMBER OF CASES HANDLED BY PASADENA DEPARTMENT

"1936
FEES paid into office.....\$9,933.00

Cases filed:

CIVIL	152
PROBATE	477
DIVORCE	246

Total	875
-------	-----

MARRIAGE LICENSES

Applied for	Issued	Voided
1145	1118	14

INTERMEDIATE PROBATE hearings (Uncontested).....2,062

INTERMEDIATE civil and divorce (demurrers, orders to show cause, etc.)..... 243

INTERMEDIATE criminal hearings (pleas, probation and sentence, arraignments, etc.) 407

DEFAULT DIVORCE, set for hearing 279

CONTESTED CASES tried in PASADENA

CIVIL	PROBATE	DIVORCE	CRIMINAL
147	3	9	16

Total contested cases tried.....	175
----------------------------------	-----

PERCENTAGE OF ALL LOS ANGELES COUNTY FILINGS HANDLED AT PASADENA

CIVIL	.0104
DIVORCE	.0174
PROBATE	.0461
Marriage L.	.0479

NUMBER OF CASES HANDLER BY POMONA DEPARTMENT

"1936
FEES paid into office.....\$3,115.20

Cases Filed

CIVIL	43
DIVORCE	90
PROBATE	184

Total 317

MARRIAGE LICENSES

	Applied for 305	Issued 292	Voided 3	
INTERMEDIATE PROBATE hearings (Uncontested).....				526
INTERMEDIATE civil and divorce (demurrers, orders to show cause, etc.).....				149
INTERMEDIATE criminal hearings (pleas, probation and sentence, arraignments, etc.)				0
DEFAULT DIVORCE, set for hearing.....				72
CONTESTED CASES tried in POMONA				
	CIVIL	PROBATE	DIVORCE	CRIMINAL
	16	0	4	0
Total contested cases tried.....				20

PERCENTAGE OF ALL LOS ANGELES COUNTY FILINGS HANDLED AT POMONA

CIVIL	.0029
DIVORCE	.0063
PROBATE	.0178
Marriage L.	.0128

NUMBER OF CASES HANDLED BY SANTA MONICA DEPARTMENT

"1936
FEES paid into office.....\$482.05
(Since June 18, 1936. Previously recorded main office.)

Cases Filed

CIVIL	49
DIVORCE	168
PROBATE	132

Total 349

MARRIAGE LICENSES

	Applied for (No marriage licenses are issued)	Issued	Voided	
INTERMEDIATE PROBATE hearings (Uncontested).....				212
INTERMEDIATE civil and divorce (demurrers, orders to show cause, etc.).....				73
INTERMEDIATE criminal hearings (pleas, probation and sentence, arraignments, etc.)				0
DEFAULT DIVORCE, set for hearing.....				163
CONTESTED CASES tried in SANTA MONICA				
	CIVIL	PROBATE	DIVORCE	CRIMINAL
	32	1	7	0
Total contested cases tried.....				40

PERCENTAGE OF ALL LOS ANGELES COUNTY FILINGS HANDLED AT SANTA MONICA

CIVIL	.0034
DIVORCE	.0118
PROBATE	.0121
Marriage L.	None

NUMBER OF CASES HANDLED BY LOS ANGELES DEPARTMENTS

"1936

FEES paid into office.....\$366,161.27

Cases Filed

CIVIL	13,667
DIVORCE	12,260
PROBATE	8,770
CRIMINAL	3,436
JUVENILE	5,221
PSYCHOPATHIC	3,205
ADOPTIONS	474

Total 49,810

MARRIAGE LICENSES

Applied for	Issued	Voided
19,561	18,991	458*

*To date; 42 licenses not yet called for may have some cancellations.

INTERMEDIATE PROBATE hearings (Uncontested).....35,202

INTERMEDIATE civil and divorce (demurrers, orders to show cause, etc.).....25,055

INTERMEDIATE criminal hearings (pleas, probation and sentence, arraignments, etc.)(Cannot be obtained)

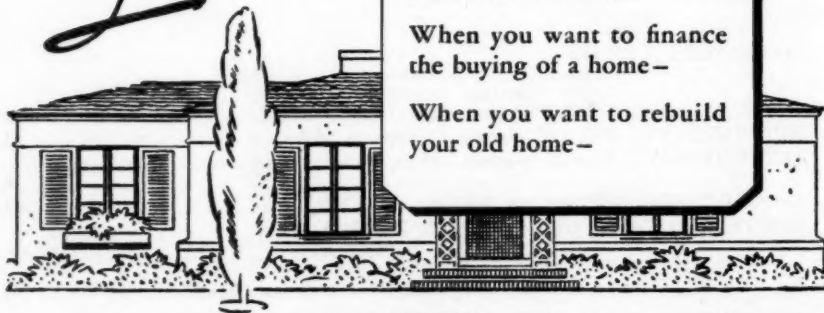
DEFAULT DIVORCE, set for hearing.....9,242

CONTESTED CASES tried in LOS ANGELES

CIVIL	PROBATE	DIVORCE	CRIMINAL
886	501	67	864

The Civil, Probate and Divorce figures are for period from 7/1/36 only. The Criminal figure, 1/1/36-12/31/36. Total contested cases tried, 0.

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PERCENTAGE OF ALL LOS ANGELES COUNTY FILINGS
HANDLED AT LOS ANGELES

CIVIL	.94
DIVORCE	.8669
PROBATE	.8486
Marriage L.	.8195"

REPORT OF COUNTY CLERK

Attached hereto is a letter from the County Clerk to the Chairman of your committee under date of August 24, 1936, which gives the disposition of "contested civil cases tried in the Superior Court at Los Angeles and all its branches in Los Angeles County for the period from January 1, 1931, to June 30, 1936, inclusive, in fiscal years," as follows:

"DISPOSITION OF CIVIL CASES PREPARED FROM THE MINUTES OF THE SUPERIOR COURT IN THE CUSTODY OF THE COUNTY CLERK.

Fiscal Year	Monthly Average of Civil Trial Departments*	Los Angeles	Long Beach	Pasadena	Pomona	Santa Monica
		Cases	Cases	Cases	Cases	Cases
1930-31	(six months)	1375	118	....	....	....
1931-32	30.9	4002	264	64	....	....
1932-33	34.5	4346	341	67	....	....
1933-34	28.46	3003	293	77	22	....
1934-35	29.39	3269	319	51	44	....
1935-36	28.73	3231	290	50	20	12
TOTALS.....		19226	1625	309	86	12

*(Monthly averages civil trial departments computed only for Los Angeles.)

Fiscal-year 1930-31 period shows from January 1 to June 30, 1931, inclusive."

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County Clerk Lampton's report of the disposition of criminal cases "tried in the Superior Court at Los Angeles and all its branches in Los Angeles County for the period from January 1, 1931, to June 30, 1936, inclusive, in Fiscal Years" is as follows:

"DISPOSITION OF CRIMINAL CASES PREPARED FROM THE MINUTES OF THE SUPERIOR COURT IN THE CUSTODY OF THE COUNTY CLERK"

Fiscal Year	Los Angeles	Long Beach	Pasadena
1930-31*	691	49	....
1931-32	1216	111	14
1932-33	1297	92	18
1933-34	1336	104	20
1934-35	1284	96	8
1935-36	968	77	11
TOTALS.....	6792	529	71

*(Six month period shown, from January 1, 1931, to June 30, 1931.)

The above data represents cases tried in the Superior Court at Los Angeles and all its branches in Los Angeles County for the period from January 1, 1931, to June 30, 1936, inclusive, in Fiscal Years."

LONG BEACH BAR COMMITTEE REPORT

Your committee desires to make particular mention of the complete co-operation and fine spirit of helpfulness shown by Clyde Doyle, Esq., Chairman of the Special Committee of the Long Beach Bar, and his committee. We commend this report to your Honorable Board as it is deserving of thoughtful consideration

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and study. We quote here simply the conclusions of the Long Beach Bar, which are as follows: .

"Clearly: (1) The data which we have been able to assemble in the short time you were able to allow us to do so, convinces that there is no necessity of transferring the departments now sitting at Long Beach back to the county seat.

(2) That, rather, the data of our report convinces that the functioning of the Long Beach Branch of the Superior Court has been increasingly advantageous, not only to approximately a quarter of million people served, but also increasingly advantageous and efficient to the sum-total of cases filed and disposed of in Los Angeles County.

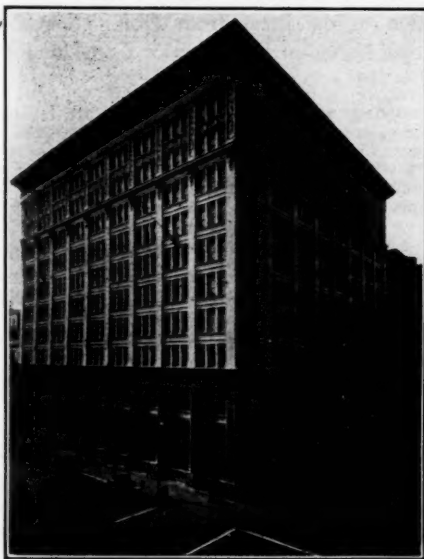
(3) That our report convinces that the functioning of the branch courts at Long Beach makes possible more efficient administration of justice in Los Angeles County.

(4) That the maintenance of the branch Superior Courts at Long Beach sounds in economy and efficiency in the administration of justice.

(5) That the continuance of the functioning of the branch Superior Courts at Long Beach, California, is a necessity, in that such functioning materially aids and assists in the efficient economic administration of the Superior Court in Los Angeles County.

And we would say, Gentlemen, that the Long Beach Bar would be honored and pleased to join with you in a continuing study of the whole problem of the administration of justice in Los Angeles County when both you and we are allowed ample time to go into the subject with the thoroughness that it deserves. The Long Beach Bar is equally concerned with an efficient economical available administration of the Superior Courts of Los Angeles County, but is constrained, by the service rendered and results achieved by the Long Beach Branch Courts since their inception, to conclude that the Long Beach departments of the Superior Court of Los Angeles County are, in fact, a necessity and must be continued."

In that connection we also call particular attention to the able manner in which the necessity for the Long Beach Branch of the Superior Court is dis-



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cussed in the letter from Hon. Percy Hight to the chairman of your committee under date of December 14, 1936, attached hereto. We quote the following paragraphs from that letter:

"Of course, a branch court would not be advisable where the volume of business tributary thereto would be so scant that the court would be idle a considerable portion of the time and the expense of maintaining such branch would be greatly disproportionate to the business to be done.

In the absence of such a situation, however, the first consideration should be the matter of convenience, economy and expediency to the portion of the public to be served, rather than the convenience of those who are the servants of the people.

The matter of economy cannot be measured entirely by what funds pass through the hands of the County Treasurer; nor by the item of savings effected by over centralization, in the matter of headquarters. The important thing is, the most advantageous service to the people, commensurate with a reasonable saving to them, whether such saving inures to them directly or through their executive institutions.

* * * * *

In our probate matters I would estimate that we have more than five hundred people per month coming into court. In domestic matters we also have great numbers of men, women and children in attendance. These are usually very needy people. To require them to go to the county seat would be to many of them an undue hardship, and to some even a denial of justice."

We also call particular attention to the report of the Special Committee of the Harbor District Bar Association unanimously approving the report of its Special Committee, concluding as follows:

"THEREFORE, it is our conclusion, based upon the foregoing facts, that the Long Beach Branch of the Superior Court is convenient, efficient and saves time and money for attorneys, litigants, witnesses and police officers, in the Harbor District, as well as the Court and jury, and that said Long Beach Branch of the Superior Court should be continued in operation indefinitely."

Your committee also calls attention to the letter from Hon. Thomas C. Gould stating that for the first week that he sat in the Superior Court in Long Beach three courts were in operation, but that,

"Commencing October 12th and continuing until this morning, December 1st, only two courts have been in operation. Due to the illness of Judge Downs the work of this branch has been handled by Judge Percy Hight and myself. This covers a period of only seven weeks, and I think you will agree with me that my observations over this time are too brief to reach any conclusion of value as to the necessity for three departments of the Superior Court here."

Your committee believes that the matter of the necessity or lack of necessity of more than two departments at the Long Beach Branch of the Superior Court should be the subject of further study as well as the expense of the maintenance of the Long Beach Branch. Mr. Doyle and his committee are perfectly willing to cooperate in a further investigation of these matters at a subsequent time.

The Special Committee of the Long Beach Bar makes this timely observation:

"IN THIS CONNECTION, WE OBSERVE THAT OUR STUDY INDICATES THAT POSSIBLY A SURVEY OF THE BRANCH COURT PLAN IS INTIMATELY RELATED TO A SURVEY OF THE ENTIRE FIELD—OF WHICH THE LONG BEACH BRANCH COURTS ARE A SMALL, BUT IMPORTANT, ITEM. WE WOULD BE PLEASED TO JOIN YOU IN A THOROUGH, COMPREHENSIVE STUDY OF THIS SUBJECT MATTER."

Your committee agrees with the Special Committee of the Long Beach Bar Association in the foregoing observation and our recommendation will be that such

a study be made by a competent foundation or institution. In the hope that such a survey will be made, your committee believes that it would not be wise to express definite opinions in this report with respect to matters which should be included in such an investigation.

PASADENA BRANCH

Your committee directs the attention of your honorable Board to a letter from Hon. Frank C. Collier, presiding at this time in the Pasadena Branch of the Superior Court, under date of November 25, 1936. Judge Collier has this to say of the Pasadena Court:

"The work in this court as it has developed since I took charge November 1st, 1935, requires the full time of one judge.

November, 1935, was a slack month and there were several days when there was nothing to do.

Since then, however, I have been working an average of over eight hours a day in actual judicial work, including Saturdays and holidays.

I took over the Pomona court calendar at Presiding Judge Edmonds' request but under protest, and told him at the outset that I did not believe it would work out and that under no circumstances would I undertake the trial of any contested cases in that court.

By carrying a much heavier load than should have been required of me, I did handle the Pomona calendar until November 1st, 1936.

Before I left on my vacation on August 27th, 1936, I made up my mind that upon my return I would flatly refuse to carry on with the Pomona calendar.

Judge Edmonds' promotion to the Supreme Court and the election of Judge Bowron as Presiding Judge relieved me of that necessity, for Judge Bowron agreed with me and with the Bars of both Pomona and Pasadena that I should be relieved of that burden.

Not only does the Pasadena Department call for full time on my part, but for the past two weeks I have needed, and obtained, the assistance of another judge, to-wit, Judge Arthur Crum, to carry on with the trial of cases, leaving me free for the office work of this department and to work on submitted matters, some of which have been under consideration for almost ninety days,—a situation which is absolutely unfair to the litigants, the attorneys and the judge.

Since Judge Crum has been here not only have I been busy on submitted matters and the regular work of this court, but I have also occupied the bench in trial work.

It must be borne in mind that in Pasadena I am conducting what really amounts to a separate court.

Every class of litigation arising in the Pasadena jurisdiction, except psychopathic and juvenile cases, is handled here.

In that litigation I do all the work usually required of the Presiding Judge in Los Angeles, signing all orders of every description and conducting all the business of the court. The matter of signing of orders, probate claims, etc., takes not less than thirty to forty-five minutes per day on the average right through the week. I not only do the work of the presiding judge but of the probate and criminal judges as well.

Much time each day is also consumed in interviews with lawyers and laymen.

A great deal of time is spent in the preparation of the Monday morning calendar, consisting of criminal, probate and civil matters.

The probate calendar itself usually requires an average of three hours' time, as I have no commissioner to aid me and must of necessity do all of the examining, from a legal standpoint, myself.

The criminal calendar usually has a number of applications for probation, which require from fifteen minutes to an hour to read, depending upon the character of each case and the length of each report. This reading I do off the bench—in chambers.

The Monday morning criminal and probate calendars are followed by the civil calendar, which for the most part involves orders to show cause in divorce matters which take up considerable time.

Monday afternoon is devoted to the hearing of short matters not requiring over an hour or two at the most to hear and determine.

My trial calendar is now set *every day*, (including Fridays) up to February 25th, 1937.

My hours in this court are, with few exceptions, from 8:30 A. M. to approximately 6:00 o'clock p. m., with usually not more than forty-five minutes for lunch.

The unsatisfactory part of the otherwise pleasant work of this department is that except after 5:00 p. m. or on holidays, the judge in charge rarely has more than thirty minutes without interruptions, said interruptions lasting from five minutes up.

There is no question in my mind that the Pasadena Court thoroughly justifies and requires the full time of one judge, and will from time to time, and for short periods, require the time of two judges.

Neither is there any doubt whatever in my mind that the same judge *cannot* handle both Pomona and Pasadena courts.

Basing my refusal on thirteen months intensively active experience in the Pasadena court, I shall flatly refuse to even further attempt to hold down both courts."

POMONA COURT

Judge Collier has this to say of the Pomona Court:

"The business of the Pomona district is *not* of sufficient volume to anywhere near take up the time of one judge.

From the viewpoint of the people in the district, there is no doubt of its desirability.

From a purely financial and economic standpoint, I very seriously doubt its being worth the expense it costs.

While I was in charge of the calendar, which I called on Friday morning of each week at 9:00 o'clock a. m. (much to the disgust of the attorneys) I found that it required approximately one hour of my time to make the necessary preparations and usually one-half hour or less to call the calendar. In addition, I spent one hour on the road driving to Pomona and an additional hour driving from Pomona to Pasadena.

I repeatedly urged upon Judge Edmonds the fact that using two judges for that court—one for the calendar and the other for the contested cases—was highly impracticable and an economic loss of considerable magnitude; that one judge should be assigned to that work—call the calendar, and when completed, go right on with the contests.

Had I been in charge of a department only in **Los Angeles** and not handling a full court, with its own calendar, I would have been most happy to do just that thing.

As it was, it took two hours of my time on the road to accomplish one and one-half hours work as a judge.

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By the other method the judge would spend the same traveling time and could easily put in five or even six hours of judicial work, clean up the calendar and devote the rest of the judicial day to contests.

How much time is devoted to contested cases I do not know. Judge Frank G. Swain can give you that picture.

I do know that if you attempt to close the Pomona court you will have a swarm of hornets to deal with so far as the residents of the Pomona district are concerned.

I sincerely doubt that the amount of judicial business done by the Pomona court justifies the expense attendant on its maintenance.

In the matter of expense must be considered the salary of the judge, the deputy county clerk and law librarian (which is a combination office), and the deputy sheriff; also to be considered is the rent of the courtroom and county clerk's office and law library, and the expense of maintaining that law library.

On the other hand, if you consider the saving in time and expense of the litigants, witnesses and attorneys, as individuals, it may be that the picture will take on a different hue.

I have no hesitancy in saying that the way the Pomona court was operated while I was in charge of the calendar, there, resulted a great loss in expense and judicial time which could have been satisfactorily avoided.

Furthermore, it was the urgent desire of the Pomona Bar that one judge be assigned to the court who could and would handle all the work of that court in a consecutive manner. They were absolutely right in their contentions, which should have been heeded."

Attached to the letter from P. J. Tscharner, Esq., President of the Pomona Valley Bar Association, is a letter signed by Joseph A. Allard, Jr., Albert H. Miller, and A. L. Hickson, Committee on Legislation of the Pomona Valley Bar Association, concerning the work of the Pasadena Branch of the Superior Court, reading as follows:

"Replying to your inquiry of the 25th ult. concerning the request of the committee of the Los Angeles Bar Association relative to the above matter, we beg to report as follows:

The Pomona Department of the Superior Court of Los Angeles County was opened in October, 1933, and it was of course several months before there was much of a calendar built up for this department, but since its inception and up to and including November 30th, 1936, there were filed:

Probate Cases 455.
Divorce Cases 240.
Civil Cases 161.

In addition to the above numbered cases, there were many probate cases formerly heard in the Los Angeles Department transferred to the Pomona Department for all future hearings; this included current accounts of guardians, trustees, etc., and as a result of the above filed cases and the transfer cases, this Court has heard separately and at periodic times the following matters:

Probate Matters 1298 Hearings
Divorce Cases 351 Hearings
(default & contested)
Civil Cases 309 Hearings
(default & contested, mostly contested)

We have had twenty-three jury trials in this department and there has been one hundred eighty court session days.

We wish to state that for the first two years of the life of this Court there was no local branch of the County Clerk's Office but the same was established by an amendment to the Code in 1935 and formally opened in October of 1935, together with a representative from the Sheriff's office. Since the opening of the Clerk's office, attorneys have discovered that it is a decided convenience to file cases in Pomona rather than in Los Angeles and this department is now proving much more popular than before the inauguration of the department of the Clerk's office.

It is hard to estimate the number of witnesses that have appeared in connection with matters heard in this department but it is safe to say that the number would exceed five hundred and in connection with the jury trials we find that those people who are called as jurymen in this department find it much more

convenient than to travel to Los Angeles, no matter whether they are serving as a juror or have been excused from that service.

We call your attention to the fact that no criminal cases are heard in Pomona but if the same were heard, no doubt the number of cases and the time needed for the court in Pomona would be greatly increased.

We are confident that the saving in money to the tax-payers is greatly in excess of any additional cost when we take into consideration the expense and time of attorneys, litigants, and witnesses in travelling to and from the county seat and the short experience of this Court here in Pomona has convinced the tax-payers in the east end of Los Angeles County that the Pomona Branch of the Superior Court is not only a saving in expense but a convenience that cannot be established in dollars and cents.

We recommend that consideration be given to the assignment of the criminal cases which arise in this end of the County be assigned and heard in this department."

Your committee is of the opinion that the proposed survey which we recommend should give consideration to the assignment of criminal cases to the Pomona Branch of the Superior Court if such survey recommends the continuance of said branch.

SANTA MONICA BRANCH

In connection with the Santa Monica Branch of the Superior Court, your committee calls attention to the letter from Paul R. Smith, President of the Santa Monica Bay District Bar Association, under date of November 27, 1936, reading as follows:

"I appreciate your letter of November 24th regarding your Committee on Branches of the Superior Court of Los Angeles County, and am pleased to give you my impression, as President of the Santa Monica Bay District Bar Association concerning the manner in which the court is operating in Santa Monica.



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It has proven itself more and more to be of real benefit to this territory and the members of our Bar Association are convinced that it is performing a valuable service. Our cases which could be set here and which originally were filed in the City of Los Angeles, are gradually being completed and the new filings are going to trial in a satisfactory manner. Our court is giving prompt and efficient service and Judge Orlando R. Rhodes is doing all that he can to facilitate the administration of justice.

I think that you will find that the records will show that it is only a comparatively short time before our Santa Monica Department will require all of the time of one Judge, particularly if we are given the opportunity to have criminal trials. We are able to get trials set more promptly here than is either the case where we are before the Superior Court in Los Angeles, or the Municipal Court.

There is a considerable interest shown by the public in the court and we believe that it is helping to increase the confidence that they have in the administration of law. There is a big saving of time to the litigants, the witnesses and the lawyers in trying the cases in Santa Monica and we are very much pleased with the service given. It seems to us that we have enough legal business in this territory and are far enough from the courts in Los Angeles so that we are entitled to the service of a court of our own, and we hope that the Trustees of the Los Angeles Bar Association may see that the lawyers of Santa Monica in favoring our own Santa Monica Department of the Superior Court, are doing what we think is to the best interest of all parties concerned."

We also call attention to the letter from Hon. Orlando H. Rhodes now designated by the Judicial Council as Judge of the Superior Court of the Santa Monica Branch, reading as follows:

"I shall be glad to cooperate with you and your committee at any and all times, and will furnish you any information in connection with the Santa Monica Department which I have.

My designation by the Judicial Council commenced June 15, 1936. I have kept a record of the actual time to date required in presiding at the trial of cases. This tabulation does not include any time for the signing of orders nor does it include any time which was necessary in research work, etc. Said tabulation is as follows:

June 15-July 1—5½ hours.
July 1-Aug. 1—14 hours.
Aug. 1-Sept. 1—14 hours.
Sept. 1-Oct. 1—47½ hours.
Oct. 1-Nov. 1—60 hours.
Nov. 1-Dec. 1—57 hours.

I have no records on filings but understand the County Clerk's Office can furnish that information.

Those members of the public who have used the Court, either as litigants, witnesses or jurors have been almost unanimous in acclaiming its convenience.

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It appears that usefulness and necessity can best be measured by the utility to the community in which the Court is established. If this be the test the Santa Monica Department is now justifying its existence.

The present arrangement under which I preside in the Superior Court has been satisfactory. On several occasions in the past it has been necessary to arrange for others to preside in Justice Court where the calendars conflicted due to extended trials in Superior Court. I might also point out that I hold one evening session weekly in Justice Court in order to insure my availability for Superior Court at least $3\frac{1}{2}$ days weekly.

Since no original filings may be made in Santa Monica some inconvenience generally has resulted. This should be obviated by legislative action establishing a branch of the County Clerk's Office in Santa Monica. The records will show that a deputy county clerk necessarily spends about $\frac{4}{5}$ of his time in Santa Monica. At a comparatively slight additional expense a complete filing service could be established. This service would ultimately lead to a more general use of the department by attorneys.

I will be glad to hear from you further and will assist in every possible way."

We further call attention to the letter from S. R. Enfield, Esq., President of the Beverly Hills Bar Association, under date of November 27, 1936, a part of which reads as follows:

"Thus it is clearly shown that the usefulness of the Court is hampered and limited by its present territorial jurisdiction; the legal proceedings arising in said territory being out of proportion to its costs in money and in time of its judicial and administrative staff. Mr. Geoffrey F. Morgan, Assemblyman from Santa Monica district and other Assemblymen have repeatedly stated that the Assembly was told that the territory would include West Los Angeles and Beverly Hills and that the act would not have been passed if it had been believed that the Superior Court would not so provide.

The territory of the Department of Superior Court at Santa Monica should be so extended as to provide business for a full time Superior Judge. That would be proper administrative economy and would afford needed relief for parties, witnesses, business interests and attorneys, who now waste day after day in trailing cases in Los Angeles Courts. Due to congested district intervening, parties, witnesses and attorneys are compelled to hang around the Courts for days, and frequently cases are continued, due to missing parties, witnesses or attorneys who become worn out and suddenly disappear. At Santa Monica preparatory to trial matters would be dispatched in a few minutes and all concerned could come and go in an orderly and economic manner. Due to traffic and parking conditions it requires fully forty minutes time to reach court in the city of Los Angeles from Beverly Hills, while Santa Monica is within ten minutes travel.

A study has been made as to proper territory—to be based on populated and commercial and industrial interests of territory likely to produce and develop sufficient legal proceedings to occupy a full time Court. If territory were extended

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so as to include West Los Angeles, Westwood Village and the city of Beverly Hills, it would be found to contain about 240,000 population and about the same population and commercial and industrial interests as the present Pasadena Department of the Court, which is now a full time Court and serves that public very satisfactorily.

Said extension would, in due course, require full time of one Judge, afford economic service in respect to clerical staff and rentals and would rightly and greatly accommodate and convenience parties, witnesses, business interests and attorneys, resident in district.

We believe that the Courts should be near and accessible to the people and that local contact of the Judges would also be helpful to the Courts."

The statistical report prepared by the Judges' Committee of the Superior Court has been brought to the notice of your committee, showing a grand total of civil litigation filed in 1927-28 of 29,015 as against a grand total of civil litigation filed in 1935-36 of only 15,525; with a grand total of all filings, including criminal filings, for 1927-28 of 60,083 as against a grand total of all filings, including criminal filings, for 1935-36 of 49,811. The report also shows that there were 38 regular Superior Court Judges in 1927-28 with a grand total of 37,958 cases disposed of and 4334 civil trials in that period as against 28,650 cases disposed of and 3603 trials in 1935-36 with 50 Superior Court Judges authorized at the present time, together with such Municipal Judges, outside Judges, and *pro tem* Judges as have been assigned to duty from time to time. The statistical matter in this report deserves scientific study and analysis so that no erroneous conclusions will be drawn from it, inasmuch as the number of filings should not be taken as a criterion of the number of cases tried and there may be a falling off in certain classes of litigation which require little time of the court with an increase in other classes which require much more of the court's time in actual trial.

As the Long Beach Bar Association Committee points out, any "survey of the Branch Court plan is intimately related to a survey of the entire field." When judges who have been sitting in departments of the Superior Court in Los Angeles are assigned to the branch courts the number of judges available for work in the Los Angeles departments is thereby decreased. By the same token, when cases which would otherwise be filed in Los Angeles are filed in the branches of the Superior Court, the load upon the departments of the Superior Court in Los Angeles is thereby decreased.

The County Clerk calls attention to one of the benefits which has already taken place from this investigation in the following words:

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"For the first time we are aware that no one, not even the Judicial Council, appears to have been keeping separate totals of actions tried. That statistical information will never again be lacking in this department, for, commencing July 1st, we are keeping a record of cases tried and will have such information available upon call."

Attached hereto are the letters and documents for your examination and consideration, which are listed in the page following the conclusion of this report.

Your committee received perfectly splendid cooperation from Mr. L. E. Lampton, County Clerk of Los Angeles County, and we wish to express particular appreciation to Mr. Lampton for his thorough-going helpfulness. We also wish to thank H. A. Payne, County Auditor, H. F. Scoville, Director of the Department of Budget and Research of the County of Los Angeles, the officials of the Bar Association of Long Beach, Pasadena, Pomona, and Beverly Hills, and Justice Douglas C. Edmonds, former Presiding Judge of Los Angeles County Superior Court, Hon. Fletcher Bowron, Presiding Judge, Judges Frank C. Collier, Percy Hight, and Orlando H. Rhodes for assisting us in the matter under consideration. Clyde Doyle, Esq., Chairman of the Special Committee of the Long Beach Bar Association, has been particularly helpful.

RECOMMENDATIONS

Your committee recommends:

1. That the Los Angeles Bar Association sponsor a thorough survey and investigation of all of the Courts in Los Angeles County and the personnel thereof.
2. That such a survey should be made by a foundation or an institution of unquestioned standing and, if possible, by a foundation or institution located outside of the State of California so as to avoid local bias, prejudice or political influence.
3. That such a survey should include an investigation of the following matters:
 - (a) The efficiency of all of our courts in Los Angeles County, and the various departments and personnel thereof.
 - (b) The present method of appointing, nominating and electing Judges of the Superior Court and Municipal Court.
 - (c) The present method of appointing, nominating and electing Judges of the District Court of Appeal.

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(d) The necessity or lack of necessity of Branch Courts and the present efficiency of the Branches of the Superior Court now in existence.

(e) The necessity or lack of necessity of establishing further Branch Courts.

(f) The Judicial Council, its set-up, functions and operation.

(g) The necessity or lack of necessity, and advisability, of appointing Judges from other jurisdictions to sit in Los Angeles County, and of appointing Municipal Judges and *pro-tem* Judges.

(h) If Branch Courts are found by such a survey to be necessary and advisable, the extent of territorial jurisdiction that should be assigned to such Branch Courts.

(i) Advisability of adopting in other Branch Courts the method used in Santa Monica Branch, by which Judge Orlando H. Rhodes handles both Justice of the Peace Court and Superior Court.

4. That said proposed survey include an investigation of the powers, duties and functions of the Presiding Judge of the Superior Court, and the necessity or lack of necessity, and the advisability of giving to said Presiding Judge increased authority and disciplinary powers over other departments and the Judges thereof.

5. That, pending the survey and investigation hereinbefore recommended, no further Branch Courts should be established, and that your honorable Board adopt a resolution to that effect.

6. That the Legislative Committee of the Los Angeles Bar Association be instructed to oppose any attempt, through legislative action, to establish any further Branches of the Superior Court in Los Angeles, pending such proposed survey and investigation.

7. That your honorable Board request the cooperation of all of the other Bar Associations and the Lawyer's Clubs of Los Angeles County, and of the State Bar of California, in furthering such an investigation and survey, and in preventing the establishment of any further Branches of the Superior Court of Los Angeles County pending such proposed survey and investigation.

8. That your honorable Board do everything in its power to bring about such a survey and investigation as soon as possible and to expedite the completion thereof.

Respectfully submitted,

JOSEPH D. BRADY,
HERMAN F. SELVIN,
HENRY O. WHEELER, *Chairman.*

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